



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,177	06/25/2003	Dallas B. Wynne	10739.18.66	5200

22859 7590 05/17/2005

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,177

Applicant(s)

WYNNE ET AL.

Examiner

Ajay Vasudeva

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 25-34 is/are rejected.
- 7) ☒ Claim(s) 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 27 and 30 are objected to because of the following:

- Claims 27 and 30 appear to be identical.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

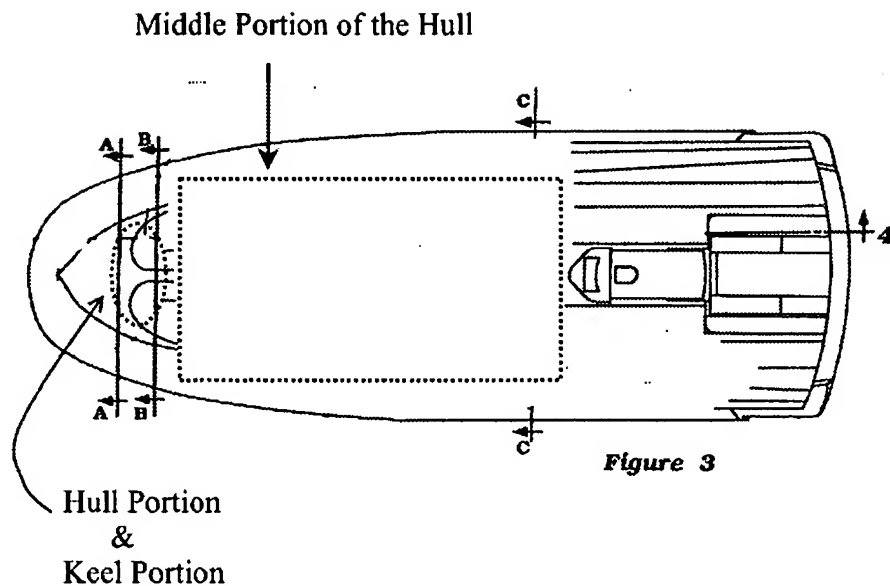
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

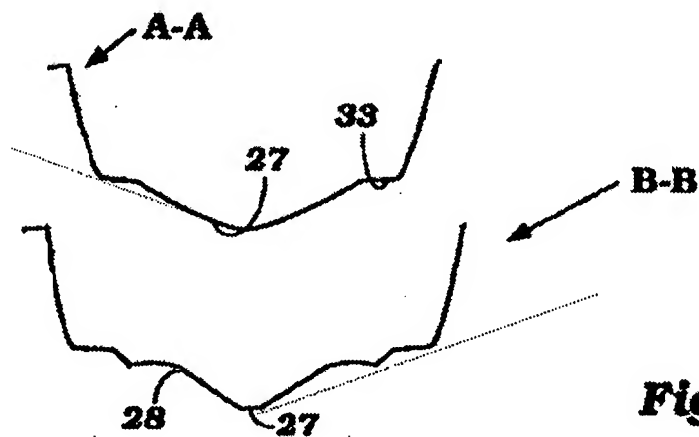
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-9, 11, 12, 17-20, 25, 26, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,390,621 A).

Hattori et al. ('621) shows a personal watercraft with a hull, and a small hull portion in a forward location of the hull, as shown below between section lines A and B. A keel portion [27] extends the length of the hull portion, as shown by dotted lines below. The keel section has concave hull sections disposed on each side of the keel section. A middle of the hull is defined by an area that is disposed substantially between the section lines B and C, as shown below with a dotted rectangular area.



A keel angle, defined by the angle formed between the two opposing keel surfaces, is smaller at the rear part of the keel portion than at the front part of the keel portion (see [figures 3 and 5](#)). Similarly, the slope of keel opposing walls increases from front to the rear portion of the keel. The concave hull sections disposed on each side of the keel define the respective keel troughs, which increase in depth from front to the rear of the watercraft.



Re claims 4-7, the hull appears to be a standard sized hull, and therefore the keel appears to begin within about 3.5 feet forward of the rear most extent of the watercraft, which therefore is also within four feet and five feet forward of the rear most extent. Similarly, the front limit appears to be located at least 2 feet, and therefore at least five feet, forward of the keel rear limit. Applicant may note that the limitation "about" has been broadly interpreted to mean "in the vicinity of". When considered with respect to an extremely sizeable length (e.g., a length of 500 feet), even a length of 6-7 feet, or a length of 3-4 feet, can be considered to be "about five feet."

Re claims 11 and 12, the keel portion lies within a 10 percent length on a front side of the middle portion of the hull, and is therefore also within a 15 percent length.

4. Claims 8-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,255,626 A).

Hattori et al. ('626) shows a personal watercraft with a hull portion that extends from section line 3 to a location forward of section line 5 (see figure 2). A center keel portion [54] extends the length of the hull portion. A second keel section extends substantially the length of the center keel portion and has troughs disposed on each side of the keel section. A keel angle, defined by the angle formed between the two opposing keel surfaces, is smaller at the rear part of the keel portion than at the front part of the keel portion (see figures 3, 4 and 5). Similarly, the slope of keel opposing walls increases from front to the rear portion of the keel. The trough increases in depth from front to the rear of the watercraft. The keel section extends along substantially the middle third of the hull length.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,390,621 A)

Hattori et al. ('621) shows the personal watercraft having a keel portion, as above.

However, Hattori et al. does not show the keel portion lengths being about two feet (claims 27, 30 and 32), one foot (claims 28 and 33), or 3 feet long (claims 29 and 33).

The lengths of the keel portion are considered a design choice and are chosen in proportion to the hull length. It would have been obvious for one skilled in the art at the time of the invention make the keel portion at least three feet long if the length of the boat hull was substantially large. Having such a length would have maintained the proportion of the hull design, and would also have been at least two feet or at least one foot long.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,255,626 A).

Hattori et al. ('626) shows the personal watercraft having a keel, and troughs disposed on each side of the keel. However, it does not show the keel beginning about one foot forward of the jet pump and having a length of at least two feet (claim 13). Further, it does not show the

Art Unit: 3617

keel as having a maximum downward slope three feet rearward to the hull front, which is less than the slope at a location three feet or four feet forward the hull rear (claims 14 and 15).

It would have been obvious for one skilled in the art at the time of the invention to have spaced the keel beginning at least one foot forward of the jet pump. Having such sufficient space would have allowed one to properly accommodate the jet pump housing within the hull structure.

Further, the maximum downward slope three feet rearward to the hull front being less than the slope at a location three feet or four feet forward the hull rear of the keel portion is considered a design choice, and is a function of the hull length.

As explained above, if the length of the boat hull was substantially longer than the one shown by Hattori et al. ('626), it would have been obvious for one skilled in the art at the time of the invention to make the keel portion similarly long in order to maintain the hull proportions. Having a longer hull length would have increased the stability of the watercraft.

In such a case, the tapering keel would have had a maximum downward slope three feet rearward to the hull front being lesser than the slope at a location three feet or four feet forward the hull rear of the keel portion.

Allowable Subject Matter

8. Claims 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3617

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 and 25-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record in the attached PTO form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

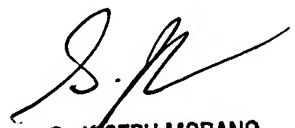
Art Unit: 3617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AV

Ajay Vasudeva
Examiner
Art Unit 3617


S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600